

SENATE BILL 2843

By Bowers

AN ACT to amend Tennessee Code Annotated, Title 36
and Title 37, relative to paternity of children born
to minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-403, is amended by inserting the following as a new subsection (g) thereto and by designating the current subsection (g) as subsection (h):

(g) Every physician or other person who makes a diagnosis of pregnancy, or provides prenatal care or other treatment relating to pregnancy, or writes a prescription relating to pregnancy, to a minor sixteen (16) years of age or younger, and every superintendent or manager of a clinic, dispensary or charitable or penal institution in which there is a case of a minor sixteen (16) years of age or younger who is found to be pregnant, shall report the case to the department of children's services in a manner and on a form specified by the department.

SECTION 2. Tennessee Code Annotated, Section 36-2-305, is amended by deleting subdivision (b)(1)(B) and by substituting instead the following:

(B) The child's mother, or if the mother is a minor or was a minor at the time that she became pregnant, the mother's personal representative, parent or guardian, or the department of children's services;

SECTION 3. Tennessee Code Annotated, Title 37, Chapter 5, is amended by inserting Sections 4 through 8 below as a new, appropriately designated part thereto.

SECTION 4. Notwithstanding anything in this chapter to the contrary, if the department becomes aware that any minor sixteen (16) years of age or younger is pregnant or that any

person became pregnant while she was a minor sixteen (16) years of age or younger, then the department shall institute a child sexual abuse investigation pursuant to the requirements of title 37, chapter 1, part 6. In addition to such investigation, the department shall take all reasonable steps to determine the paternity of the minor's fetus, infant or child pursuant to this part. The department shall take all reasonable steps to make this determination regardless of the age of the minor, the age of the minor's fetus, infant or child, or the age of the potential abusers of the minor.

SECTION 5. Within three (3) months of determining that a minor sixteen (16) years of age or younger is pregnant or that a person became pregnant while she was a minor sixteen (16) years of age or younger, the department shall institute a paternity proceeding as the representative of the minor or, if necessary, as the guardian of the minor's infant or child, pursuant to title 36, chapter 2, part 3.

SECTION 6. The department shall present the court with all evidence that the department, with due diligence, has been able to obtain from the minor or from any other party with respect to the paternity of the minor's fetus, infant or child, and shall present to the court an affidavit alleging paternity, setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties, and requesting a genetic test to determine paternity pursuant to § 24-7-112. The department shall continue this process at no greater than three (3) month intervals until such time as paternity of the fetus, infant or child has been established or until the department has petitioned for genetic paternity testing with regard to no less than four (4) potential abusers.

SECTION 7. Within five (5) days of the establishment of paternity pursuant to this part, the department shall provide written confirmation of such paternity, the approximate age of the minor at the time of conception, and other pertinent information to the appropriate local law enforcement personnel in order that a criminal child sexual abuse investigation may be

commenced if appropriate. Such report shall be made regardless of the age of the minor, the age of the minor's fetus, infant or child, or the age of the potential abusers of the minor.

SECTION 8. This part shall not be applicable to any case involving a minor who was legally married at the time of conception of a child.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.